

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GARETH PERRY,

Plaintiff,

v.

UNITED STATES PENITENTIARY,  
ATWATER,

Defendant.

Case No. 1:20-cv-00279-SKO (PC)

**ORDER TO SHOW CAUSE WHY ACTION  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO COMPLY WITH THE  
COURT'S ORDER**

21-DAY DEADLINE

On March 8, 2021, the Court issued a screening order directing Plaintiff to file a second amended complaint or a notice of voluntary dismissal within 21 days. (Doc. 18.) Although more than the allowed time has passed, Plaintiff has not complied with the screening order.

The Local Rules, corresponding with Federal Rule of Civil Procedure 11, provide, “[f]ailure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “District courts have inherent power to control their dockets” and, in exercising that power, may impose sanctions, including dismissal of an action. *Thompson v. Housing Auth., City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to prosecute an action, obey a court order, or comply with local rules. *See, e.g., Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with a

1 court order to amend a complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130-31 (9th Cir.  
2 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421,  
3 1424 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

4 Accordingly, the Court ORDERS Plaintiff to show cause in writing, **within 21 days** of the  
5 date of service of this order, why this action should not be dismissed for his failure to comply  
6 with the Court's order. Alternatively, within that same time, Plaintiff may file a second amended  
7 complaint curing the deficiencies identified in the screening order (Doc. 18) or a notice of  
8 voluntary dismissal of this case. **Failure to comply with this order will result in a**  
9 **recommendation that this action be dismissed for failure to state a claim and to obey court**  
10 **orders.**

11  
12 IT IS SO ORDERED.

13 Dated: **April 22, 2021**

/s/ Sheila K. Oberto  
14 UNITED STATES MAGISTRATE JUDGE